

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MIDWEST HEMORRHOID TREATMENT	)	
CENTER TOWN & COUNTRY, LLC,	)	
Individually and on behalf of all others similarly	)	Case No. 4:22-cv-844
situated,	)	
	)	
Plaintiff,	)	
	)	Removed from the Circuit Court
vs.	)	of St. Louis County, State of
	)	Missouri
MEDICAL DISPOSABLES CORP.,	)	Case No. 22SL-CC03010
RALPH HERNANDEZ, JENNIFER MUNOZ,	)	
and JOHN DOES 1-10,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

COME NOW Defendants Medical Disposables Corp., and Ralph Hernandez and Jennifer Munoz (appearing specially to contest personal jurisdiction) (collectively “Defendants”) and hereby give notice of the removal of this action from the Circuit Court of the County of St. Louis, State of Missouri, to the United States District Court for the Eastern District of Missouri, pursuant to 28 U.S.C. § 1441.

1. On June 21, 2022, Plaintiff filed this putative class action in the Circuit Court of the County of St. Louis, State of Missouri, where it is denominated Case No. 22SL-CC03010.
2. Pursuant to 28 U.S.C § 1446(a), a true and correct copy of the state court case file is attached hereto as **Exhibit 1** and incorporated herein by reference. Exhibit 1 includes all process, pleadings, motions, and orders filed in this case.
3. Defendants were served with the Petition and Summons on July 14, 2022.

4. This Notice of Removal was timely filed. See 28 U.S.C. § 1446(b)(2) (stating that each defendant has 30 days after receipt by or service on that defendant of the initial pleading or summons to file a notice of removal).

5. None of Defendants, nor their attorneys, have entered an appearance, filed any responsive pleadings, or filed any papers responding to the Petition in the state court.

6. This Notice of Removal is being filed in the United States District Court for the district in which the action is currently pending pursuant to 28 U.S.C. § 1441(a).

7. This action may be removed to this Court because federal question jurisdiction exists over this dispute pursuant to 28 U.S.C. § 1331.

8. Plaintiff alleges violations of the federal Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, and the regulations promulgated thereunder. The United States Supreme Court has unanimously held that federal courts have federal question jurisdiction over private TCPA suits. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740 (2012). Therefore, this action is one over which this Court has original jurisdiction under § 1331 and is one which may be removed pursuant to 28 U.S.C. § 1441.

9. Pursuant to 28 U.S.C. § 1367(a), the Court has supplemental jurisdiction over Plaintiff’s claim for alleged conversion under Missouri law because it arises from the same facts and is so related to the federal claims in this action that it forms a part of the same case or controversy under Article III of the United States Constitution.

10. Defendants will promptly give written notice of the filing of this Notice of Removal to all parties, and a copy of this Notice will be filed with the Clerk of the Circuit Court as required by 28 U.S.C. § 1446(d).

11. There are no other defendants named in this civil action; therefore, no further consents are necessary to the removal of this action.

WHEREFORE, Defendants Medical Disposables Corp., and Ralph Hernandez and Jennifer Munoz (appearing specially to contest jurisdiction) hereby remove this proceeding from the Circuit Court of the County of St. Louis, State of Missouri, to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and request that this Court take jurisdiction of this civil action to the exclusion of any further proceedings in state court.

Respectfully submitted,

Dated: August 12, 2022

GREENSFELDER, HEMKER & GALE, P.C.

By /s/ Mary Ann L. Wymore  
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*Attorneys for Defendants Medical Disposables Corp., and Ralph Hernandez and Jennifer Munoz (appearing specially to contest jurisdiction)*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 12<sup>th</sup> day of August, 2022, the foregoing document was filed electronically by operation of the Court's electronic filing system and on this date will be served by United States Regular Mail, with first class postage prepaid, upon the following counsel of record:

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/s/ Mary Ann L. Wymore